IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3695 of 2005

Between:

P. Chinnanna S/o Muttanna
R/o H. No. 1-2-47/1, Ganeshnagar, Batti Galli, Bhainsa, Adilabad District

... PETITIONER

AND

1 The Commissioner of Municipal Council, Bhainsa, Adilabad District
2 The Chairmnan, Bhainsa Municipality Bhainsa, Adilabad District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in trying to dispossess the petitioner from the premises bearing Door NO. 4-2-20, Market Galli, Bhainsa, Adilabad District without following due process of law as illegal, arbitrary, violative of Articles-19 (1)(g) and 21 of the Constitution of India as well as principles of natural justice and consequently direct the respondents herein not to interfere with the petitioenr's possession over the said premises; and pass such other or further orders as are necessary

Counsel for the Petitioner: MR.R.NARASIMHA REDDY

Counsel for the Respondents: MR.POLISETTI RADHAKRISHNA (SC FOR MUNCIPAL)

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in seeking to dispossess the petitioner from the premises bearing Door No.4-2-20, Market Galli, Bhainsa, Adilabad District without following due process of law, is arbitrary and illegal.

The specific case of the petitioner is that he purchased a plot admeasuring 555 square yards from Bhainsa Municipality vide Certificate of Sale No.302661, dated 07-11-1957 and since then he has been in continuous possession and enjoyment of the same, having constructed the house bearing Door No.4-2-20. The petitioner alleges that at the instance of the second respondent-Chairman, Bhainsa Municipality, who belongs to opposite political party, the respondents have been trying to dispossess him without following due process of law. Hence, this writ petition.

This Court while granting time to the learned Standing Counsel to get instructions, by order dated 25-02-2005, ordered that *status quo* obtaining as on that date as to the nature and possession of the premises in question, shall be maintained.

Today, when the matter is taken up for consideration, Sri Polisetti Radhakrishna, the learned Standing Counsel appearing for the respondents, under instructions, states that the respondents are not interfering with the possession of the petitioner in respect of the premises bearing Door No.4-2-20 situated in the plot admeasuring 555 square yards purchased by him under Certificate of Sale in any manner. However, he submits that the respondent-Municipality has been raising constructions in the adjacent premises bearing

No.4-2-24 which belongs to the Municipality for the purpose of construction of a pucca vegetable market. It is further stated that a Division Bench of this Court while deciding Writ Appeal No.156 of 2005 filed by some of the shopkeepers granted time to them to vacate the premises in their occupation by 15-02-2005, and also held that in any case they fail to vacate, it is open to the respondent-Municipality to obtain necessary police assistance for clearing of the market for the purpose of raising constructions.

Be that as it may, since the case on hand relates to premises bearing No.4-2-20 and since the learned Standing Counsel has categorically stated that the respondents are not interfering with the possession of the petitioner in respect of the said premises i.e., premises bearing Door No.4-2-20, no further adjudication is necessary on merits.

Accordingly the writ petition is disposed of recording the statement of the learned Standing Counsel that the respondents are not interfering in any manner with the possession of the petitioner in respect of the premises bearing No.4-2-20, Market Galli, Bhainsa.

The writ petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 28-02-2005

Note: Furnish C.C. by day after tomorrow

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The Commissioner of Municipal Council, Bhainsa, Adilabad District
2 The Chairmnan, Bhainsa Municipality Bhainsa, Adilabad District

3 Two C.D. copies.